



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 26, 2005

Ashley-Bertsch Group Inc
5803 W Metaline Ave
Kennewick WA 99336-1581

Re: Amended Emergency Drought Permit No. G4-35035

The Department of Ecology (Ecology) has reviewed your application for emergency drought authorization to withdraw 80 gallons per minute from an existing well as an emergency supply source to off set anticipated loss off supply from the Kennewick Irrigation District (KID).

KID has been authorized to use an emergency drought well to add to their prorated amount of 50%. The KID had planned to operate on a zoned rotation system in which they deliver water for six days and then are off for three days. Due to the severance of the drought, KID is now going to deliver water for three days and be off for six. In correspondence with William Pope of KID, it has been determined that the applicant will now need added water to lessen the impact of the drought..

Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing perennial crops (such as orchard crops, grapes, hops, etc.) where the loss of irrigation water would permanently damage the crops. Through the use of emergency supplemental wells, Ecology is authorizing up to 80% of the usual irrigation water supply delivered by the irrigation districts. In a normal year, KID is prepared to deliver 3.5 acre-feet of water per acre. 80% of 3.5 acre-feet is 2.8 acre feet. KID is expected to deliver approximately 1.75 acre-feet of water per acre. The amount of water to be authorized is based on the irrigation requirements for the remainder of the season. This authorization will allow an additional 0.63 acre-feet of water per acre.

This authorization is subject to the following limitations and provisions:

This authorization is for a well to be located approximately 2500 feet north and 1000 feet east of the SW corner of Section 33 lying within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T. 9 N., R. 29 E.W.M.

The instantaneous quantity of water to be withdrawn is limited to 30 gallons per minute.

A total of 2 acre-feet of water is authorized to irrigate 3.2 acres under this emergency permit.

The place of use is described as follows:

Benton County Parcel No. 1-3399-302-0036-008 lying with in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33,
T. 9 N., R. 29 E.W.M.

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This authorization will allow one of two construction options for the well:

1. To develop the well into the alluvial (unconsolidated sediments), the well must comply with the following construction requirements and restrictions:
 - (a) The well must terminate at or above the first occurrence of solid basalt which is believed to correspond to the Ice Harbor flow of the Saddle Mountains Formation. At the existing well location the first solid basalt is estimated to occur at approximately 170 feet below the ground surface.
 - (b) Installation of an airline and an access port for water level measurement is required.
2. To develop a well in the Saddle Mountains Aquifer, the well must comply with the following construction requirements and restrictions:
 - (a) Unperforated casing shall be set or placed (not driven) twenty (20) feet into the top of the first occurrence of solid basalt which is believed to correspond to the Ice Harbor flow of the Saddle Mountains Formation. At the existing well location the first solid basalt is estimated to occur at approximately 170 feet below the ground surface.
 - (b) The well depth shall terminate at or above a depth corresponding to the top of the Priest Rapids Member of the Wanapum Formation. The depth to this formation is unknown in the area of the proposed well. Due to the uncertainty of the basalt stratigraphy in this area, chip sample collection as outlined below is required.
 - (c) Installation of an airline and an access port for water level measurement is required.
 - (d) The driller shall collect and retain basalt chip samples starting with the first basalt encountered and every 20 feet thereafter and at significant changes in lithology. The depth each sample is taken from shall be recorded with the sample. Gross sample size should be large enough to provide a net minimum of sixteen (16) ounces of dry, clean, washed basalt chips from each sample. Staff from Ecology will pick up the samples during and/or at the conclusion of drilling and may arrange for X-ray Fluorescence Analysis. As soon as the drilling schedule is established, the applicant shall notify Anna Hoselton (509) 454-7887 or Ron Dixon (509) 454-7897 at the Department of Ecology, Yakima, WA, to go over any questions and arrange for site access and chip sample collection by Ecology staff.

Both well options will have the following provisions.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

The applicant shall require the driller to collect and retain drill cuttings for Ecology to submit for laboratory analysis as follows:

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

The new well shall be constructed by August 15, 2005. If the new well is not completed by August 15, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, this emergency permit will be cancelled.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2005.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE Rowe Six Bldg 2
PO Box 40903
Lacey WA 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

In addition, please send a copy of your appeal to:

Robert F. Barwin
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

Sincerely,

A handwritten signature in black ink, appearing to be 'RFB', is written over a horizontal line.

Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office

RFB:ER:gg
050759

Enclosure: Your Right To Be Heard
 Water Measurement Requirements

cc: Philip Rigdon, Deputy Director, Natural Resources Division, Yakama Nation
 Curt Hart, Water Resources Program, HQ